



Because Plaintiff seeks to proceed in forma pauperis, the Court must review the Complaint to determine whether it is subject to dismissal on the grounds that it is “frivolous or malicious [or] fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2). In its frivolity review, this Court must determine whether the Complaint raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions, such as fantastic or delusional scenarios. Neitzke v. Williams, 490 U.S. 319, 327-28 (1989).

Plaintiff filed an identical action against Defendant on October 1, 2014, and this Court dismissed with prejudice Plaintiff’s action on October 31, 2014, for failure to state a claim. See (Order, Hawkins v. Brooks, 1:14cv258, Doc. No. 7). This action is, therefore, barred by res judicata and will be dismissed. See Ohio Valley Envtl. Coalition v. Aracoma Coal Co., 556 F.3d 177, 210 (4th Cir. 2009) (noting that an action will be barred by res judicata where there was a judgment on the merits in a prior suit resolving claims by the same parties or their privies, and the subsequent suit arises out of the same transaction or series of transactions as the claim resolved by the prior judgment).

**IT IS, THEREFORE, ORDERED that:**


1. Plaintiff’s Application to Proceed in Forma Paupers, (Doc. No. 2), is **GRANTED** for the limited purpose of the Court’s initial review.

2. Plaintiff’s Complaint is **DISMISSED** with prejudice for the reasons stated herein.

The Clerk is directed to close the case.

**IT IS SO ORDERED.**

Signed: January 14, 2015

  
Frank D. Whitney  
Chief United States District Judge

